

From: Beeler, Cindy

Sent: Monday, November 19, 2018 08:17 PM

To: Branning, Amy; Mia, Marcia; Marsh, Karen; Hambrick, Amy; Mills, Derek; Witt, Jon

Subject: RE: OOOOa reports

So we are keeping this story together. Here is what R8 knows about OOOO/OOOOa annual reports:

These R8 states have been delegated OOOO: Colorado, Montana, South Dakota, Utah, Wyoming and these states have been delegated OOOOa: Utah, Wyoming

## Ex. 5 Deliberative Process (DP)

If EPA were to want to analyze the most recent OOOOa annual reports, R8 could provide those from sources on Indian country but for a complete set from our State land we'd need to request copies from our delegated states.

And, here is where I'm confused about what the guidance is from HQ:

## Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

#1

From: Hambrick, Amy

Sent: Friday, November 16, 2018 7:39 AM

To: Beeler, Cindy <Beeler.Cindy@epa.gov>

Subject: RE: NSPS OOOOa Question - Annual Report Submittal

Ex. 5 Deliberative Process (DP)

Amy Hambrick

U.S. Environmental Protection Agency

(919) 541-0964

From: Beeler, Cindy  
Sent: Thursday, November 15, 2018 5:19 PM  
To: Hambrick, Amy <Hambrick.Amy@epa.gov>  
Subject: RE: NSPS 0000a Question

Thank you, Amy - see yellow highlighted phrases below - does "delegated authority" then mean, if CO was delegated NSPS 0000a, the operator may submit their report to CO?

Cindy Beeler  
US EPA Region 8  
Tel: 303-312-6204  
Beeler.Cindy@epa.gov

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From: Hambrick, Amy  
Sent: Thursday, November 15, 2018 12:36 PM  
To: Wright - CDPHE, Joseph <joseph.wright@state.co.us>; Beeler, Cindy <Beeler.Cindy@epa.gov>  
Subject: RE: NSPS 0000a Question

Joseph-

This is a response we recently gave to this question "Yes, one company can submit a NSPS 0000a report via CEDRI in a single spreadsheet that contains multiple facilities in multiple states. " Below is a standard answer I've been giving when asked about how /where to submit the report:

"While the CEDRI template is still considered draft, the reports are required to be submitted- this can be done by submitting it to your delegated authority or through CEDRI. CEDRI is available to accept the 60.5420a(b) and 60.5422a(a) and (b) reports. Because EPA's template on the website you referenced is still considered "draft", the requirement to submit only through CEDRI is not triggered. Once the report is "final" then CEDRI reporting is mandatory. Hence, in the meantime, the report still must be submitted, but the vehicle to do that is either submit to delegated authority or through CEDRI. Make sense?

So from the reg text, once the [final] form has been available in CEDRI for 90 days, submittal through CEDRI is required. Up to this 90 day marker, submittal can be either CEDRI or the delegated authority. Excerpt from the reg text FYI:

"You must submit reports to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX (<https://cdx.epa.gov/>)). You must use the appropriate electronic report in

CEDRI for this subpart or an alternate electronic file format consistent with the extensible markup language (XML) schema listed on the CEDRI Web site (<https://www3.epa.gov/ttn/chief/cedri/>). If the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate address listed in §60.4. Once the form has been available in CEDRI for at least 90 calendar days, you must begin submitting all subsequent reports via CEDRI. The reports must be submitted by the deadlines specified in this subpart, regardless of the method in which the reports are submitted."

Furthermore, as you may know, after OOOOa was finalized in 2016, EPA received administrative petitions seeking reconsideration of various aspects of the 2016 NSPS. EPA sent letters to petitioners granting reconsideration on April 18, 2017 and on June 5, 2017, EPA issued a Federal Register notice granting reconsidering on additional requirements. See proposal here: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/proposed-improvements-2016-new-source> . The public will have an opportunity to comment on the template to help make it better. Be sure to stay plugged in and submit your comments."

Generally, we have been getting various questions on reporting, hopefully we understood question and provided clear answers. Let me know if you want to discuss further.

Regards,

Amy

Amy Hambrick

U.S. Environmental Protection Agency

(919) 541-0964

#2

From: Branning, Amy

Sent: Thursday, November 8, 2018 1:17 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Beeler, Cindy <Beeler.Cindy@epa.gov>; Marsh, Karen <Marsh.Karen@epa.gov>; Hambrick, Amy <Hambrick.Amy@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>

Subject: OOOOa reports

Karen, Marcia and all (well - not exactly all):

40 CFR 60.4(b) says that all info required to be submitted to EPA must also be submitted to the delegated states.

60.5420a(b)(11) says all reports must be submitted to EPA via CEDRI. If CEDRI is not ready, submit the report to EPA at address in 60.4 (regional addresses).

# Ex. 5 Attorney Client (AC)

Amy Huang Branning

EPA Office of General Counsel

phone: (202) 564-1744

fax: (202) 564-5603 or (202) 564-0070

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